

- ARMY FLOW MODEL
- NDAA - MOBILIZATION AND ACTIVATION
- NDAA - AUTHORITIES RELATING TO GUARD AND RESERVE DUTY
- NDAA – ADDITION MATTERS

# A Force Management Update



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## The Army Flow Model - What's NEW

**DATA SET:** The MONTHLY HIST (monthly historical data set) file for Staff Books and Functional Books has been updated to provide equipment and personnel on-hand information for Jan 2006 thru Aug 2006. The complete history file has been added to the database in the Expert System. History data for Sep 2000 through Aug 2006 can now be viewed in the Expert System.

**2006-10-06:**

**Staff Book Functions:** All Staff Books (except Force Structure) have been changed to provide the fiscal year filter across the top of the window. Users will now be able to select only one year at a time. However, the FY filter will now remain highlighted as you move across tabs. The Force Structure books maintain the old format to allow users the ability to select multiple fiscal years.

Acronym

Title

**AFM**

Army Flow Model

**FFR**

Force Feasibility Review

**AKO**

Army Knowledge on Line

**MRATE**

Mission Resourcing Assessment Tool for Executives

**AMRD**

Army Modernization Reference Data

**SACS**

Structure and Composition System

**ARFORGEN**

Army Force Generator

**SAMAS**

Structure and Manpower Allocation System

**DARPL**

Dynamic Army Requirements Priority List  
**SLAMIS**  
SSN-LIN Automated Management and Integrating System  
**EQUIPFOR**  
Equipping the Force (EQ4)  
**SSO**  
Synchronization Staff Officer  
**EQUIPRES**  
Equipment Resourcing Module of EQ4  
**TAEDP**  
Total Army Equipment Distribution Plan  
**ERATE**  
Executive Resourcing Assessment Tool for Equipment  
**Target PLAN**  
Plan containing overrides to authorizations (i.e., targets)  
**FDIIS**  
Force Development Investment Information System  
**URAM**  
Unit Rotation Assessment Model

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## **H.R 5122 National Defense Authorization Act (NDAA) for FY 2007** (Conference Report)

Two very significant statutory changes concerning Reserve Component **mobilization** and **activation** have been included in the conference report of the NDAA for FY 2007.

The **mobilization adjustment** is contained in Title V, Military Personnel Policy; Section 522 entitled *Revisions to reserve call-up authority*. The specific revisions modify Title 10 U.S.C. § 12304 entitled “Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency” and more commonly referred to as **Presidential Reserve Call-Up Authority or PRC**. This legislative authority allows the President to augment active forces with reserve forces for any operational mission or to assist active forces responding to an emergency involving use or threatened use of a weapon of mass destruction or a terrorist attack or threatened terrorist attack. PRC is an involuntary call-up of reserve forces.

The legislative adjustments increase the call-up period from **270 days to 365 days** and add a new subsection entitled “Considerations for Involuntary Order to Active Duty”. This new **“fair treatment”** subsection, similar to one currently included in Title 10 U.S.C. § 12302, Partial Mobilization, requires that length and nature of previous service; frequency of assignments; family responsibilities; and employment necessary to maintain the national health, safety, or interest be considered in making individual call-up decisions.

The **activation adjustment** concerns Title 10 U.S.C. § 333, an Insurrection Act code section. In response to Hurricane Katrina, Chapter 15 - *Insurrection* of Title 10 was re-titled to ***Enforcement of the Laws to Restore Public Order***. Section 333 within Chapter 15 of Title 10 was re-titled ***Major public emergencies; interference with State and Federal law*** and then fundamentally rewritten. (Parenthetically, it would appear by virtue of the Chapter 15 title change from Insurrection to Enforcement of the Laws to Restore Public Order that we no longer have an Insurrection Act, but rather a Public Order Act).

The revised Section 333 retains presidential authority to use active military forces and the National Guard to “suppress insurrection”, but as rewritten, additionally authorizes the President to use “armed forces, including the National Guard in Federal service to restore public order and enforce the laws of the United States”. In order to invoke this authority, the President must conclude that “a natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident, or other condition” generated domestic violence to such a degree that local authorities’ ability to preserve public order is overwhelmed and that enforcement of state and federal law is significantly obstructed.

Congressional language clearly states that this presidential authority is to be “temporary” in nature and exercised only until civilian authorities reestablish control. The President must inform the Congress “as soon as practicable” after invoking this authority and every two weeks subsequent while the authority is exercised. During this temporary exercise of authority, the President is empowered to instruct the Secretary of Defense to furnish “supplies, services, and equipment to those impacted by the situation. Finally, a conforming amendment to Title 10 U.S.C. § 12304(c) (1) permits use of Presidential Reserve Call-Up authority (PRC) in order to implement the Title 10 U.S.C. § 333 revisions.

John Walsh

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**H.R 5122 National Defense Authorization Act (NDAA) for FY 2007**  
(Conference Report)

**Three Sections of Part II – *Authorities Relating To Guard and Reserve Duty* – of the Conference Report for H.R. 5122 incorporate noteworthy revisions to Active Guard and Reserve (AGR) legislation.**

Section 524 – ***Title 10 Definition of Active Guard and Reserve Duty*** - adds the following definition of AGR to Title 10 U.S.C. §101(b) Personnel Generally:

“(16) The term ‘**Active Guard and Reserve**’ means a member of a reserve component who is on active duty pursuant to section 12301(d) of this title or, if a member of the Army National Guard or Air National Guard, is on full-time National Guard duty pursuant to section 502(f) of title 32, and who is performing Active Guard and Reserve duty.”

Section 524 also adjusts the definition of Active Guard and Reserve duty in Title 10 U.S.C. § 101(d)(6)(A) to read:

“The term ‘**Active Guard and Reserve duty**’ means active duty performed by a member of a reserve component of the Army, Navy, Air Force, or Marine Corps, or full-time National Guard duty performed by a member of the National Guard, for a period of 180 consecutive days or more **for the purpose of organizing, administering, recruiting, instructing, or training the reserve components.**”

Section 525 – ***Authority for Active Guard and Reserve Duties to Include Support of Operational Missions Assigned to the Reserve Components and Instruction and Training of Active-Duty Personnel*** – amends Title 10 U.S.C. § 12310 entitled *Reserves: for organizing, administering, etc., reserve components* by significantly expanding the scope of AGR duties beyond the previous limitation of “organizing, administering, recruiting, instructing, or training reserve components.” So long as the primary responsibilities of organizing, administering, recruiting, instructing, or training the reserve components are not impaired, an AGR is now authorized to perform the following additional duties:

1. Supporting operations or missions assigned in whole or in part to the reserve components
2. Supporting operations or missions performed or to be performed by multi-component units and joint forces units
3. Advising the Secretary of Defense, the Secretaries of the military departments, the Joint Chiefs of Staff, and the combatant commanders regarding reserve component matters and
4. Instructing or training in the United States, Commonwealth of Puerto Rico, or U.S. possessions of active duty members of the armed forces, members of foreign military forces, Department of Defense contractor personnel, and Department of Defense civilian employees.

Section 525 likewise addresses Military Technicians under Title 10 U.S.C. § 10216(a), National Guard Title 32 Training Duty under Title 32 U.S.C. § 502(f), and National Guard Technicians under Title 32 U.S.C. § 709(a) and expands the scope of their duties similarly to the expansion of AGR duties and responsibilities.

Lastly, Section 526 – ***Governor’s Authority to Order Members to Active Guard and Reserve Duty*** - expands Title 32 with the addition of a **new Section 328 entitled *Active Guard and Reserve duty: Governor’s authority***. Section 328 authorizes a Governor in accordance with Title 32 U.S.C. § 502(f) to order a Guard soldier to carry out AGR duty that includes operational and training missions as incorporated in the revisions to Title 32 U.S.C. § 502(f)(2) so long as the primary AGR mission of organizing, administering, recruiting, instructing, and training the reserve components is not impaired.

*John Walsh*

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### **H.R 5122 National Defense Authorization Act (NDAA) for FY 2007**

(Conference Report)

The conference on the FY 07 NDAA deferred action on the National Defense Enhancement and National Guard Empowerment Act for 2006 and referred the matter to the Commission on the National Guard and Reserves. In Section 529 entitled ***Additional Matters To Be Reviewed By Commission On The National Guard And Reserves***, of the Conference Report the conferees directed the Commission to study the following issues:

1. “The advisability and feasibility of implementing the provisions of S.2658 and H.R. 5200 [National Defense Enhancement and National Guard Empowerment Act for 2006] of the 109<sup>th</sup> Congress, as introduced in the Senate and the House of Representatives, respectively, on April 26, 2006.”
2. “As an alternative to implementation of the provisions of the bills specified in paragraph (1) that provide for the Chief of the National Guard Bureau to be a member of the Joint Chiefs of Staff and to hold the grade of general, the advisability and feasibility of providing for the Chief of the National Guard Bureau to hold the grade of general in the performance of the current duties of that office.”
3. “The advisability and feasibility of implementing the provisions of section 544 of H.R. 5122 of the 109<sup>th</sup> Congress, as passed by the House of Representatives on May 11, 2006. Section 544 allows, “with Presidential authorization and consent of the governor, any national guard officer to retain a State commission in the national guard while serving on active duty. Thus, the officer would possess a dual status, State and federal, that would permit the officer to command forces and mixed component units operating under title 10, United States Code, and under title 32, United States Code.”
4. “The adequacy of the Department of Defense processes for defining the equipment and funding necessary for the National Guard to conduct both its responsibilities under title 10, United States Code, and its responsibilities under title 32 United States Code, including homeland defense and related homeland missions . . . .” The conferees directed that the analysis consider the roles of the Chief of the National Guard Bureau, Directors of the Army and Air Guard and the Adjutant Generals in the processes as well as the adequacy of joint requirements validation and service funding determination processes.

The conferees directed the Commission with regard to the matters they are investigating to give priority to the issues set forth in paragraphs 1, 2, and 3 above with the highest priority established for issues concerned with the “grade and functions of the Chief of the National Guard Bureau.” The Commission is required to provide the Senate and House Armed Services Committees an “interim” report by March 1, 2007 solely addressing the results and “recommendations” of their analysis of the issues in paragraph 1 above.

Acknowledging the significant contribution of the National Guard and the necessity for “effective” joint interaction among the key players responsible for national security, the conferees directed the Commission to answer the following questions in the conduct of their analysis of the issues:

1. If the National Guard Bureau was designated a chartered joint activity of the Department of Defense, what would be the impacts on the “integration” of the Army and Air Guard into the Department of the Army and Air Force respectively?
2. Would designating the Chief of the National Guard Bureau as the principal advisor to the Secretary of Defense and the Chairman of the Joint Chiefs of Staff on National Guard matters establish the National Guard as a separate service? What are the effects of designating the National Guard as a separate service?
3. Does Chief of the National Guard Bureau membership on the Joint Chiefs of Staff conflict with the legal roles and responsibilities of the military department chiefs?
4. How would elevating the Chief of the National Guard Bureau to general officer rank affect his/her relationships with other Reserve Component Chiefs? Would the authorized grades of the other Reserve Component Chiefs and the Directors of the Army and Air Guard need to be adjusted?
5. Is the Chief of the National Guard Bureau qualified to identify Federal-State capability gaps for responding to emergencies and to recommend appropriate military assistance to civil authorities to the Secretary of Defense? Is this an appropriate role for the Chief of the National Guard Bureau? Would the exercise of such authority infringe upon the responsibilities of other Federal and State officials?
6. Does the workload of the Deputy Commander U.S. Northern Command warrant the assignment of two Lieutenant Generals, one a National Guard officer, to manage the responsibilities of the position?

*John Walsh*

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